UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,425	05/24/2001	Andrew J. Vilcauskas JR.	KDO:195860-1	5992

26790 7590 02/12/2003

LAW OFFICE OF KAREN DANA OSTER, LLC
PMB 1020
15450 SW BOONES FERRY ROAD #9
LAKE OSWEGO, OR 97035

EXAMINER
WASSUM, LUKE S

ART UNIT	PAPER NUMBER
2177	

DATE MAILED: 02/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/866,425	VILCAUSKAS ET AL.
	Examiner	Art Unit
	Luke S. Wassum	2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 May 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 May 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *1,4,7,8* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Priority

1. The Applicants' claim to domestic priority under 35 U.S.C. §119(e), to provisional application 60/207,698, filed 26 May 2000, is acknowledged. Since the subject matter of the parent provisional application encompasses that of the instant application and claims, a priority date of 26 May 2000 is hereby established.

Information Disclosure Statement

2. The Applicants' Information Disclosure Statements, filed 24 May 2001 (part of paper No. 1), 18 September 2001 (paper no. 4), 20 December 2001 (paper no. 7), and 24 August 2002 (paper no. 8) have been received, entered into the record, and considered (see the attached forms PTO-1449).

3. Regarding the Applicants' comments accompanying paper no. 8, the examiner appreciates the comments regarding the applicability of the **Porn Rodeo** reference to various subsections of 35 U.S.C. § 102. However, the Applicants must realize that the mere fact that an Internet domain was registered whose name "loosely suggests applicants' claimed invention" does not constitute evidence of the conception and reduction to practice of said claimed invention prior to the date of the cited prior art. Therefore, at this time, the **Porn Rodeo** reference is regarded by the examiner as prior art.

Affidavit under 37 CFR § 1.132

4. Four Affidavit/Declarations under 37 C.F.R. § 1.132, filed 24 May 2001, have been received and entered into the record.

5. Since the purpose of Affidavits under 37 C.F.R. § 1.132 is to present evidence to traverse claim rejections or objections, the instant application not yet having undergone examination, the four Affidavits/Declarations are not timely filed. See MPEP § 716.

6. Nonetheless, in order to expedite prosecution of the application, and in view of the grant of the Applicants' Petition to Make Special, the Affidavits have been considered by the examiner.

7. Regarding the Applicants' discussion of the meaning of 'user-initiated break in surfing' in the **Unicast** press release of 18 October 1999, the examiner points out that the most obvious answer to the question directly follows the indicated text, '*...such as a mouse click*'. In the examiner's view, it is quite apparent that a mouse click reads directly on the claimed view triggering event, in spite of the additional evidence presented in paragraph 3, and the opinions presented in paragraphs 4 and 5.

8. Regarding the Applicants' discussion of the respective dates of conception of the instant invention and the Unicast product, there is insufficient evidence to establish the facts as claimed. In order to successfully make such an argument, the Applicant's must file a Affidavit or Declaration of Prior Invention under 37 C.F.R. §1.131, *including evidence sufficient to establish the conception and reduction to practice prior to the effective date of the reference, or conception and due diligence from a date prior to the effective date of the reference to a subsequent reduction to practice or the filing of the application.* See MPEP § 715.

Embodiment of the Invention

9. The claimed invention is drawn to a method of presenting advertisements in a computer system through the use of popunder windows. Alternative claimed embodiments are implemented in other media, such as a PDA, telephone, television and radio.

Specification

10. The disclosure is objected to because of the following informalities:

It appears that there is a typographical error in the disclosure on page 14, line 26 "...the preferred embodiment is to allow only allow a single...".

It appears that there is a typographical error in the disclosure on page 15, line 21. The disclosure states that "...a second post-session window is opened only if the time period between load triggering events is shorter than a predetermined time period." However, this is inconsistent with other parts of the specification, particularly at page 14, lines 1-20, and with claims 6 and 19. The word 'shorter' should be replaced with 'longer'.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1, 2, 4, 7-12, 14, 15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by **McNeirney** ("message thread from newsgroup comp.lang.javascript").

13. Regarding claims 1, 2, 4, 7-12, 14, 15 and 17, **McNeirney** teaches a post-session advertising system and method as claimed, comprising the steps of:

a) displaying a first display in a first interactive media platform in said foreground of said media;

b) initiating a load triggering event;

c) opening a post-session platform in response to said load triggering event in said background of said media;

d) displaying a post-session display on said post-session platform;

e) maintaining said post-session interactive media platform in said background until a viewer driven view triggering event occurs; and

f) bringing the post-session platform to the foreground in response to a view triggering event;

wherein the media is a computer, said first and post-session displays are web sites or web pages, said first and post-session platforms are web browsers, and said load and view triggering events are mouse clicks (see discussion of initially opening a popup window

when the main page is loaded, and immediately focusing back on the main window, and on code segment featuring window.open() and self.focus() calls).

14. Claims 1, 2, 4, 7-12, 14, 15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by **Porkaew** ("message thread from newsgroup comp.lang.javascript").

15. Regarding claims 1, 2, 4, 7-12, 14, 15 and 17, **Porkaew** teaches a post-session advertising system and method as claimed, comprising the steps of:

a) displaying a first display in a first interactive media platform in said foreground of said media;

b) initiating a load triggering event;

c) opening a post-session platform in response to said load triggering event in said background of said media;

d) displaying a post-session display on said post-session platform;

e) maintaining said post-session interactive media platform in said background until a viewer driven view triggering event occurs; and

f) bringing the post-session platform to the foreground in response to a view triggering event;

wherein the media is a computer, said first and post-session displays are web sites or web pages, said first and post-session platforms are web browsers, and said load and view triggering events are mouse clicks (see disclosure that the window.opener.focus() call can be used to go back to the window that opens it, and also a code segment featuring the window.opener.focus() call).

16. Claims 1, 2, 4, 7-12, 14, 15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by **Tetrode** ("message thread from newsgroup comp.lang.javascript").

17. Regarding claims 1, 2, 4, 7-12, 14, 15 and 17, **Tetrode** teaches a post-session advertising system and method as claimed, comprising the steps of:

a) displaying a first display in a first interactive media platform in said foreground of said media;

b) initiating a load triggering event;

c) opening a post-session platform in response to said load triggering event in said background of said media;

d) displaying a post-session display on said post-session platform;

e) maintaining said post-session interactive media platform in said background until a viewer driven view triggering event occurs; and

f) bringing the post-session platform to the foreground in response to a view triggering event;

wherein the media is a computer, said first and post-session displays are web sites or web pages, said first and post-session platforms are web browsers, and said load and view triggering events are mouse clicks (see the initial question of the thread, disclosing the desire to 'open a second window and then from the second window, set the focus to the first window', and also replies that feature a code segment using the window.opener.focus() call).

18. Claims 1, 2, 4, 7-12, 14, 15 and 17 are rejected under 35 U.S.C. 102(a) as being anticipated by **Porn Rodeo** ("source code of www.pornrodeo.com, as of 13 October 1999").

19. Regarding claims 1, 2, 4, 7-12, 14, 15 and 17, **Porn Rodeo** teaches a post-session advertising system and method as claimed, comprising the steps of:

a) displaying a first display in a first interactive media platform in said foreground of said media;

b) initiating a load triggering event;

c) opening a post-session platform in response to said load triggering event in said background of said media;

d) displaying a post-session display on said post-session platform;

e) maintaining said post-session interactive media platform in said background until a viewer driven view triggering event occurs; and

f) bringing the post-session platform to the foreground in response to a view triggering event;

wherein the media is a computer, said first and post-session displays are web sites or web pages, said first and post-session platforms are web browsers, and said load and view triggering events are mouse clicks (see window.open and window.focus calls on page 1, lines 15-20).

20. Claims 1-5 and 7-18 are rejected under 35 U.S.C. 102(e) as being anticipated by **Landsman et al.** (U.S. Patent Application Publication 2003/0004804).

21. Regarding claims 1, 2, 4, 7-12, 14, 15 and 17, **Landsman et al.** teaches a post-session advertising system and method as claimed, comprising the steps of:

a) displaying a first display in a first interactive media platform in said foreground of said media;

b) initiating a load triggering event;

c) opening a post-session platform in response to said load triggering event in said background of said media;

d) displaying a post-session display on said post-session platform;

e) maintaining said post-session interactive media platform in said background until a viewer driven view triggering event occurs; and

f) bringing the post-session platform to the foreground in response to a view triggering event;

wherein the media is a computer, said first and post-session displays are web sites or web pages, said first and post-session platforms are web browsers, and said load and view triggering events are mouse clicks (see paragraphs 3, 16, 17, 36-38, 87, 95, 107 and 109).

22. Regarding claims 3, 5, 13, 16 and 18, **Landsman et al.** additionally teaches a post-session advertising system and method wherein the system logs the duration of the display of the post-session window in the foreground (see paragraph 50).

23. Claims 1, 2, 4, 6-12, 14, 15, 17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by **Judson** (U.S. Patent 5,737,619).

24. Regarding claims 1, 2, 4, 5-12, 14, 15 and 17, **Judson** teaches a post-session advertising system and method as claimed, comprising the steps of:

a) displaying a first display in a first interactive media platform in said foreground of said media;

b) initiating a load triggering event;

c) opening a post-session platform in response to said load triggering event in said background of said media;

d) displaying a post-session display on said post-session platform;

e) maintaining said post-session interactive media platform in said background until a viewer driven view triggering event occurs; and

f) bringing the post-session platform to the foreground in response to a view triggering event;

wherein the media is a computer, said first and post-session displays are web sites or web pages, said first and post-session platforms are web browsers, and said load and view triggering events are mouse clicks (see col. 2, lines 1-4 and 35-50; see also 8, line 54 through col. 9, line 10; see also col. 9, line 27 through col. 10, line 27; see also the last limitation of claim 1, col. 10, lines 50-56).

25. Regarding claims 6 and 19, **Judson** additionally teaches a post-session advertising system and method wherein said step of opening a post-session platform in response to said load triggering event is foregone if a predetermined time period has not elapsed (see discussion of a built-in fixed

time delay between downloading the first hypertext document and the information object(s) associated therewith, col. 9, line 53 through col. 10, line 16, and particularly col. 10, lines 3-9).

26. Claims 1, 2, 4, 5-12, 14, 15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by **LaStrange et al.** (U.S. Patent 5,784,058).

27. Regarding claims 1, 2, 4, 5-12, 14, 15 and 17, **LaStrange et al.** teaches a post-session advertising system and method as claimed, comprising the steps of:

a) displaying a first display in a first interactive media platform in said foreground of said media;

b) initiating a load triggering event;

c) opening a post-session platform in response to said load triggering event in said background of said media;

d) displaying a post-session display on said post-session platform;

e) maintaining said post-session interactive media platform in said background until a viewer driven view triggering event occurs; and

f) bringing the post-session platform to the foreground in response to a view triggering event;

wherein the media is a computer, said first and post-session displays are web sites or web pages, said first and post-session platforms are web browsers, and said load and view triggering events are mouse clicks (see col. 1, lines 45-55; see also col. 1, line 67 through col. 2, line 10; see also col. 2, lines 13-18; see also col. 4, lines 22-48, and

particularly the disclosure that windows can be overlapped at lines 43-48; see also col. 5, lines 36-42).

28. Claims 1, 2, 4, 5-12, 14, 15 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by **Allen et al.** (U.S. Patent 5,918,239).

29. Regarding claims 1, 2, 4, 5-12, 14, 15 and 17, **Allen et al.** teaches a post-session advertising system and method as claimed, comprising the steps of:

a) displaying a first display in a first interactive media platform in said foreground of said media;

b) initiating a load triggering event;

c) opening a post-session platform in response to said load triggering event in said background of said media;

d) displaying a post-session display on said post-session platform;

e) maintaining said post-session interactive media platform in said background until a viewer driven view triggering event occurs; and

f) bringing the post-session platform to the foreground in response to a view triggering event;

wherein the media is a computer, said first and post-session displays are web sites or web pages, said first and post-session platforms are web browsers, and said load and view triggering events are mouse clicks (see col. 2, lines 1-14; see also the claims in their entirety, col. 4, line 50 through col. 6, line 67).

30. Claims 1, 2, 4, 5-12, 14, 15 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by **Roskowski** (U.S. Patent 5,918,239).

31. Regarding claims 1, 2, 4, 5-12, 14, 15 and 17, **Roskowski** teaches a post-session advertising system and method as claimed, comprising the steps of:

a) displaying a first display in a first interactive media platform in said foreground of said media;

b) initiating a load triggering event;

c) opening a post-session platform in response to said load triggering event in said background of said media;

d) displaying a post-session display on said post-session platform;

e) maintaining said post-session interactive media platform in said background until a viewer driven view triggering event occurs; and

f) bringing the post-session platform to the foreground in response to a view triggering event;

wherein the media is a computer, said first and post-session displays are web sites or web pages, said first and post-session platforms are web browsers, and said load and view triggering events are mouse clicks (see col. 3, lines 8-17; see also col. 7, lines 40-65).

Claim Rejections - 35 USC § 103

32. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

33. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

34. Claims 3, 5, 13, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **McNeirney** ("message thread from newsgroup comp.lang.javascript") as applied to claims 1, 2, 4, 7-12, 14, 15 and 17 above, and further in view of **Shaw et al.** (U.S. Patent 5,809,242).

35. Regarding claims 3, 5, 13, 16 and 18, **McNeirney** teaches a post-session advertising system and method as claimed.

McNeirney does not explicitly teach a system and method wherein the system logs the duration of the display of the post-session window in the foreground.

Shaw et al., however, teaches a system and method wherein the system logs the duration of the display of the post-session window in the foreground (see col. 6, lines 20-35; see also col. 16, lines 54-59).

It would have been obvious to one of ordinary skill in the art at the time of the invention to log the duration of the display of the post-session window in the foreground, since this information can be used to create billing information to bill advertisers based on advertisements actually viewed (see col. 6, lines 31-35).

36. Claims 6 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **McNeirney** ("message thread from newsgroup comp.lang.javascript") in view of **Shaw et al.** (U.S. Patent 5,809,242) as applied to claims 3, 5, 13, 16 and 18 above, and further in view of **Judson** (U.S. Patent 5,737,619).

37. Regarding claims 6 and 19, **McNeirney** and **Shaw et al.** teach a post-session advertising system and method as claimed.

Neither **McNeirney** nor **Shaw et al.** explicitly teaches a post-session advertising system and method wherein said step of opening a post-session platform in response to said load triggering event is foregone if a predetermined time period has not elapsed.

Judson, however, teaches a post-session advertising system and method wherein said step of opening a post-session platform in response to said load triggering event is foregone if a

predetermined time period has not elapsed (see discussion of a built-in fixed time delay between downloading the first hypertext document and the information object(s) associated therewith, col. 9, line 53 through col. 10, line 16, and particularly col. 10, lines 3-9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the above limitation, since such a delay would be advantageous in the situation where a user receives the first hypertext document but then quickly decides to proceed to a URL that is not associated with a link in the document or to link to another URL that does not have an associated information object (see col. 10, lines 3-16).

38. Claims 3, 5, 13, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Porkaew** ("message thread from newsgroup comp.lang.javascript") as applied to claims 1, 2, 4, 7-12, 14, 15 and 17 above, and further in view of **Shaw et al.** (U.S. Patent 5,809,242).

39. Regarding claims 3, 5, 13, 16 and 18, **Porkaew** teaches a post-session advertising system and method as claimed.

Porkaew does not explicitly teach a system and method wherein the system logs the duration of the display of the post-session window in the foreground.

Shaw et al., however, teaches a system and method wherein the system logs the duration of the display of the post-session window in the foreground (see col. 6, lines 20-35; see also col. 16, lines 54-59).

It would have been obvious to one of ordinary skill in the art at the time of the invention to log the duration of the display of the post-session window in the foreground, since this information can be used to create billing information to bill advertisers based on advertisements actually viewed (see col. 6, lines 31-35).

40. Claims 6 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Porkaew** ("message thread from newsgroup comp.lang.javascript") in view of **Shaw et al.** (U.S. Patent 5,809,242) as applied to claims 3, 5, 13, 16 and 18 above, and further in view of **Judson** (U.S. Patent 5,737,619).

41. Regarding claims 6 and 19, **Porkaew** and **Shaw et al.** teach a post-session advertising system and method as claimed.

Neither **Porkaew** nor **Shaw et al.** explicitly teaches a post-session advertising system and method wherein said step of opening a post-session platform in response to said load triggering event is foregone if a predetermined time period has not elapsed.

Judson, however, teaches a post-session advertising system and method wherein said step of opening a post-session platform in response to said load triggering event is foregone if a predetermined time period has not elapsed (see discussion of a built-in fixed time delay between downloading the first hypertext document and the information object(s) associated therewith, col. 9, line 53 through col. 10, line 16, and particularly col. 10, lines 3-9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the above limitation, since such a delay would be advantageous in the situation where a user receives the first hypertext document but then quickly decides to proceed to a URL that is not associated with a link in the document or to link to another URL that does not have an associated information object (see col. 10, lines 3-16).

42. Claims 3, 5, 13, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tetrode** ("message thread from newsgroup comp.lang.javascript") as applied to claims 1, 2, 4, 7-12, 14, 15 and 17 above, and further in view of **Shaw et al.** (U.S. Patent 5,809,242).

43. Regarding claims 3, 5, 13, 16 and 18, **Tetrode** teaches a post-session advertising system and method as claimed.

Tetrode does not explicitly teach a system and method wherein the system logs the duration of the display of the post-session window in the foreground.

Shaw et al., however, teaches a system and method wherein the system logs the duration of the display of the post-session window in the foreground (see col. 6, lines 20-35; see also col. 16, lines 54-59).

It would have been obvious to one of ordinary skill in the art at the time of the invention to log the duration of the display of the post-session window in the foreground, since this information

can be used to create billing information to bill advertisers based on advertisements actually viewed (see col. 6, lines 31-35).

44. Claims 6 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tetrode** ("message thread from newsgroup comp.lang.javascript") in view of **Shaw et al.** (U.S. Patent 5,809,242) as applied to claims 3, 5, 13, 16 and 18 above, and further in view of **Judson** (U.S. Patent 5,737,619).

45. Regarding claims 6 and 19, **Tetrode** and **Shaw et al.** teach a post-session advertising system and method as claimed.

Neither **Tetrode** nor **Shaw et al.** explicitly teaches a post-session advertising system and method wherein said step of opening a post-session platform in response to said load triggering event is foregone if a predetermined time period has not elapsed.

Judson, however, teaches a post-session advertising system and method wherein said step of opening a post-session platform in response to said load triggering event is foregone if a predetermined time period has not elapsed (see discussion of a built-in fixed time delay between downloading the first hypertext document and the information object(s) associated therewith, col. 9, line 53 through col. 10, line 16, and particularly col. 10, lines 3-9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the above limitation, since such a delay would be advantageous in the situation where a

user receives the first hypertext document but then quickly decides to proceed to a URL that is not associated with a link in the document or to link to another URL that does not have an associated information object (see col. 10, lines 3-16).

46. Claims 3, 5, 13, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Porn Rodeo** ("source code of www.pornrodeo.com, as of 13 October 1999") as applied to claims 1, 2, 4, 7-12, 14, 15 and 17 above, and further in view of **Shaw et al.** (U.S. Patent 5,809,242).

47. Regarding claims 3, 5, 13, 16 and 18, **Porn Rodeo** teaches a post-session advertising system and method as claimed.

Porn Rodeo does not explicitly teach a system and method wherein the system logs the duration of the display of the post-session window in the foreground.

Shaw et al., however, teaches a system and method wherein the system logs the duration of the display of the post-session window in the foreground (see col. 6, lines 20-35; see also col. 16, lines 54-59).

It would have been obvious to one of ordinary skill in the art at the time of the invention to log the duration of the display of the post-session window in the foreground, since this information can be used to create billing information to bill advertisers based on advertisements actually viewed (see col. 6, lines 31-35).

48. Claims 6 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Porn Rodeo** ("source code of www.pornrodeo.com, as of 13 October 1999") in view of **Shaw et al.** (U.S. Patent 5,809,242) as applied to claims 3, 5, 13, 16 and 18 above, and further in view of **Judson** (U.S. Patent 5,737,619).

49. Regarding claims 6 and 19, **Porn Rodeo** and **Shaw et al.** teach a post-session advertising system and method as claimed.

Neither **Porn Rodeo** nor **Shaw et al.** explicitly teaches a post-session advertising system and method wherein said step of opening a post-session platform in response to said load triggering event is foregone if a predetermined time period has not elapsed.

Judson, however, teaches a post-session advertising system and method wherein said step of opening a post-session platform in response to said load triggering event is foregone if a predetermined time period has not elapsed (see discussion of a built-in fixed time delay between downloading the first hypertext document and the information object(s) associated therewith, col. 9, line 53 through col. 10, line 16, and particularly col. 10, lines 3-9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the above limitation, since such a delay would be advantageous in the situation where a user receives the first hypertext document but then quickly decides to proceed to a URL that is not associated with a link in the document or to link to another URL that does not have an associated information object (see col. 10, lines 3-16).

50. Claims 6 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Landsman et al.** (U.S. Patent Application Publication 2003/0004804) as applied to claims 1-5 and 7-18 above, and further in view of **Judson** (U.S. Patent 5,737,619).

51. Regarding claims 6 and 19, **Landsman et al.** teaches a post-session advertising system and method as claimed.

Landsman et al. does not explicitly teach a post-session advertising system and method wherein said step of opening a post-session platform in response to said load triggering event is foregone if a predetermined time period has not elapsed.

Judson, however, teaches a post-session advertising system and method wherein said step of opening a post-session platform in response to said load triggering event is foregone if a predetermined time period has not elapsed (see discussion of a built-in fixed time delay between downloading the first hypertext document and the information object(s) associated therewith, col. 9, line 53 through col. 10, line 16, and particularly col. 10, lines 3-9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the above limitation, since such a delay would be advantageous in the situation where a user receives the first hypertext document but then quickly decides to proceed to a URL that is not associated with a link in the document or to link to another URL that does not have an associated information object (see col. 10, lines 3-16).

52. Claims 3, 5, 13, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Judson** (U.S. Patent 5,737,619) as applied to claims 1, 2, 4, 6-12, 14, 15, 17 and 19 above, and further in view of **Shaw et al.** (U.S. Patent 5,809,242).

53. Regarding claims 3, 5, 13, 16 and 18, **Judson** teaches a post-session advertising system and method as claimed.

Judson does not explicitly teach a system and method wherein the system logs the duration of the display of the post-session window in the foreground.

Shaw et al., however, teaches a system and method wherein the system logs the duration of the display of the post-session window in the foreground (see col. 6, lines 20-35; see also col. 16, lines 54-59).

It would have been obvious to one of ordinary skill in the art at the time of the invention to log the duration of the display of the post-session window in the foreground, since this information can be used to create billing information to bill advertisers based on advertisements actually viewed (see col. 6, lines 31-35).

54. Claims 3, 5, 13, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **LaStrange et al.** (U.S. Patent 5,784,058) as applied to claims 1, 2, 4, 7-12, 14, 15 and 17 above, and further in view of **Shaw et al.** (U.S. Patent 5,809,242).

55. Regarding claims 3, 5, 13, 16 and 18, **LaStrange et al.** teaches a post-session advertising system and method as claimed.

LaStrange et al. does not explicitly teach a system and method wherein the system logs the duration of the display of the post-session window in the foreground.

Shaw et al., however, teaches a system and method wherein the system logs the duration of the display of the post-session window in the foreground (see col. 6, lines 20-35; see also col. 16, lines 54-59).

It would have been obvious to one of ordinary skill in the art at the time of the invention to log the duration of the display of the post-session window in the foreground, since this information can be used to create billing information to bill advertisers based on advertisements actually viewed (see col. 6, lines 31-35).

56. Claims 6 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **LaStrange et al.** (U.S. Patent 5,784,058) in view of **Shaw et al.** (U.S. Patent 5,809,242) as applied to claims 3, 5, 13, 16 and 18 above, and further in view of **Judson** (U.S. Patent 5,737,619).

57. Regarding claims 6 and 19, **LaStrange et al.** and **Shaw et al.** teach a post-session advertising system and method as claimed.

Neither **LaStrange et al.** nor **Shaw et al.** explicitly teaches a post-session advertising system and method wherein said step of opening a post-session platform in response to said load triggering event is foregone if a predetermined time period has not elapsed.

Judson, however, teaches a post-session advertising system and method wherein said step of opening a post-session platform in response to said load triggering event is foregone if a predetermined time period has not elapsed (see discussion of a built-in fixed time delay between downloading the first hypertext document and the information object(s) associated therewith, col. 9, line 53 through col. 10, line 16, and particularly col. 10, lines 3-9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the above limitation, since such a delay would be advantageous in the situation where a user receives the first hypertext document but then quickly decides to proceed to a URL that is not associated with a link in the document or to link to another URL that does not have an associated information object (see col. 10, lines 3-16).

58. Claims 3, 5, 13, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Allen et al.** (U.S. Patent 5,918,239) as applied to claims 1, 2, 4, 7-12, 14, 15 and 17 above, and further in view of **Shaw et al.** (U.S. Patent 5,809,242).

59. Regarding claims 3, 5, 13, 16 and 18, **Allen et al.** teaches a post-session advertising system and method as claimed.

Allen et al. does not explicitly teach a system and method wherein the system logs the duration of the display of the post-session window in the foreground.

Shaw et al., however, teaches a system and method wherein the system logs the duration of the display of the post-session window in the foreground (see col. 6, lines 20-35; see also col. 16, lines 54-59).

It would have been obvious to one of ordinary skill in the art at the time of the invention to log the duration of the display of the post-session window in the foreground, since this information can be used to create billing information to bill advertisers based on advertisements actually viewed (see col. 6, lines 31-35).

60. Claims 6 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Allen et al.** (U.S. Patent 5,918,239) in view of **Shaw et al.** (U.S. Patent 5,809,242) as applied to claims 3, 5, 13, 16 and 18 above, and further in view of **Judson** (U.S. Patent 5,737,619).

61. Regarding claims 6 and 19, **Allen et al.** and **Shaw et al.** teach a post-session advertising system and method as claimed.

Neither **Allen et al.** nor **Shaw et al.** explicitly teaches a post-session advertising system and method wherein said step of opening a post-session platform in response to said load triggering event is foregone if a predetermined time period has not elapsed.

Judson, however, teaches a post-session advertising system and method wherein said step of opening a post-session platform in response to said load triggering event is foregone if a predetermined time period has not elapsed (see discussion of a built-in fixed time delay between downloading the first hypertext document and the information object(s) associated therewith, col. 9, line 53 through col. 10, line 16, and particularly col. 10, lines 3-9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the above limitation, since such a delay would be advantageous in the situation where a user receives the first hypertext document but then quickly decides to proceed to a URL that is not associated with a link in the document or to link to another URL that does not have an associated information object (see col. 10, lines 3-16).

62. Claims 3, 5, 13, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Roskowski** (U.S. Patent 5,918,239) as applied to claims 1, 2, 4, 7-12, 14, 15 and 17 above, and further in view of **Shaw et al.** (U.S. Patent 5,809,242).

63. Regarding claims 3, 5, 13, 16 and 18, **Roskowski** teaches a post-session advertising system and method as claimed.

Roskowski does not explicitly teach a system and method wherein the system logs the duration of the display of the post-session window in the foreground.

Shaw et al., however, teaches a system and method wherein the system logs the duration of the display of the post-session window in the foreground (see col. 6, lines 20-35; see also col. 16, lines 54-59).

It would have been obvious to one of ordinary skill in the art at the time of the invention to log the duration of the display of the post-session window in the foreground, since this information can be used to create billing information to bill advertisers based on advertisements actually viewed (see col. 6, lines 31-35).

64. Claims 6 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Roskowski** (U.S. Patent 5,918,239) in view of **Shaw et al.** (U.S. Patent 5,809,242) as applied to claims 3, 5, 13, 16 and 18 above, and further in view of **Judson** (U.S. Patent 5,737,619).

65. Regarding claims 6 and 19, **Roskowski** and **Shaw et al.** teach a post-session advertising system and method as claimed.

Neither **Roskowski** nor **Shaw et al.** explicitly teaches a post-session advertising system and method wherein said step of opening a post-session platform in response to said load triggering event is foregone if a predetermined time period has not elapsed.

Judson, however, teaches a post-session advertising system and method wherein said step of opening a post-session platform in response to said load triggering event is foregone if a predetermined time period has not elapsed (see discussion of a built-in fixed time delay between

downloading the first hypertext document and the information object(s) associated therewith, col. 9, line 53 through col. 10, line 16, and particularly col. 10, lines 3-9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the above limitation, since such a delay would be advantageous in the situation where a user receives the first hypertext document but then quickly decides to proceed to a URL that is not associated with a link in the document or to link to another URL that does not have an associated information object (see col. 10, lines 3-16).

Conclusion

66. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Murphy (U.S. Patent 5,305,195) teaches a system for providing advertising information in an interactive system wherein high quality video advertising is displayed on a terminal, such as an ATM, during the time in which a customer waits for a requested operation is completed.

Judson (U.S. Patent 5,572,643) teaches a system wherein messages, such as advertisements, are displayed to the user in a web browser while the system waits for a reply to a request, and while the hypertext document is being downloaded.

Davis et al. (U.S. Patent 5,796,952) teaches a method for monitoring client interaction with a resource downloaded from a server, said monitoring to include, for example, time, keyboard events, mouse events, and the like, in order to track choices and selections made by a user.

Klug et al. (U.S. Patent 5,996,007) teaches a system wherein selected content such as product information and announcements is provided during waiting time of an Internet session.

Gabbard et al. (U.S. Patent 6,205,432) teaches an advertisement system for inserting into an end user communication message a background reference to an advertisement.

Bruck et al. (U.S. Patent 6,268,856) teaches a method of providing advertisements to users by displaying previously obtained advertisements to users while transitioning between Internet sites.

Park et al. (U.S. Patent 6,295,061) teaches a system which dynamically and interactively displays information, such as advertising messages, in such a way that it responds to a user's pointing device movement or activity.

Landsman et al. (U.S. Patent 6,314,451) teaches a technique in which advertisements are downloaded in a manner transparent to a user, and subsequently displayed in an interstitial basis, in response to a click-stream generated by the user to move from one web page to another.

Landsman et al. (U.S. Patent 6,317,761) teaches a technique in which advertisements are downloaded in a manner transparent to a user, and subsequently displayed in an interstitial basis, in response to a click-stream generated by the user to move from one web page to another.

Landsman et al. (U.S. Patent 6,466,967) teaches a technique in which advertisements are downloaded in a manner transparent to a user, and subsequently displayed in an interstitial basis, in response to a click-stream generated by the user to move from one web page to another.

Landsman et al. (U.S. Patent Application Publication 2002/0198778) teaches a technique in which advertisements are downloaded in a manner transparent to a user, and subsequently displayed in an interstitial basis, in response to a click-stream generated by the user to move from one web page to another.

Porn Rodeo ("source code of www.pornrodeo.com, as of 15 November 1999") teaches a web page wherein a new window is opened, and the focus is returned to the parent window; a popunder window.

Matskin ("Collaborative Advertising over Internet with Agents") teaches an approach to advertising over the Internet using software agents.

Thompson ("Creating a Pop-Under Window") teaches the JavaScript code to create a popunder window.

Flanagan ("JavaScript: The Definitive Guide") teaches the details of windows in JavaScript, including the existence of properties and methods to support the creation of popunder windows, namely the window.open(), window.focus() methods, and the window.opener property.

Ranganathan et al. ("Advertising in a Pervasive Computing Environment") teaches the expansion of traditional online advertising to encompass a pervasive computing environment.

Crawley ("Popups and Popunders") teaches a basic breakdown of the various popup/popunder ads and advertising networks that sell these ad formats.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke S. Wassum whose telephone number is 703-305-5706. The examiner can normally be reached on Monday-Friday 8:30-5:30, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 703-305-9790. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

In addition, INFORMAL or DRAFT communications may be faxed directly to the examiner at 703-746-5658.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Luke S. Wassum
Art Unit 2177

lsw
January 29, 2003

JEAN R. HOMERE
PRIMARY EXAMINER